

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

MAY 30 2006

Michael R. Milby, Clerk

**SEAN MOORE AND
SHOWER SOLUTIONS, INC.,**

Plaintiffs,

v.

UNIMEX INDUSTRIES, INC.,

Defendant.

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**Civil Action No. H-06-1319
Judge Nancy F. Atlas**

**PLAINTIFFS SEAN MOORE AND SHOWER SOLUTIONS, INC.'S
REPLY TO DEFENDANT UNIMEX INDUSTRIES, INC.'S
ORIGINAL COUNTERCLAIMS FOR DECLARATORY RELIEF**

Plaintiffs Sean Moore ("Moore") and Shower Solutions, Inc. ("Shower Solutions") file their Reply to Defendant Unimex Industries, Inc.'s ("Unimex") counterclaims set forth in Defendant Unimex's Original Answer and Original Counterclaims (the "Counterclaims"). Except as expressly admitted herein, Moore and Shower Solutions deny the allegations and characterizations in Unimex's Counterclaims.

1. Moore and Shower Solutions admit that Unimex is a Utah corporation having its principal place of business at 905 N. Main Street, Suite C7, North Salt Lake City, Utah 84101, as Unimex alleges in Paragraph 47 of the Counterclaims.

2. Moore and Shower Solutions admit that Moore is an individual and resident of Texas, residing in Houston, Harris County, Texas as stated in Paragraph 48 of the Counterclaims.

3. Moore and Shower Solutions admit that Shower Solutions is a Texas corporation having its principal place of business in Houston, Harris County, Texas, as stated in Paragraph 49 of the Counterclaims.

4. Moore and Shower Solutions admit that the Court has subject-matter jurisdiction over Unimex's counterclaims as alleged in Paragraph 50 of the Counterclaims.

5. Moore and Shower Solutions admit that the Court possesses personal jurisdiction over Moore and Shower Solutions as alleged in Paragraph 51 of the Counterclaims.

6. Moore and Shower Solutions admit that venue is proper in this district as alleged in Paragraph 52 of the Counterclaims.

7. Moore and Shower Solutions respond to Paragraph 53 by repeating and re-alleging their responses to Paragraphs 48 through 52 of the Counterclaims, as though fully set forth herein.

8. Moore and Shower Solutions deny the allegations contained in Paragraph 54 of the Counterclaims.

9. Moore and Shower Solutions admit that an actual, substantial controversy exists between Plaintiffs and Unimex as alleged in Paragraph 55 of the Counterclaims.

10. Moore and Shower Solutions deny the allegations contained in Paragraph 56 of the Counterclaims.

11. Moore and Shower Solutions deny the allegations contained in Paragraph 57 of the Counterclaims.

12. Moore and Shower Solutions respond to Paragraph 58 by repeating and re-alleging their responses to Paragraphs 48 through 57 of the Counterclaims, as though fully set forth herein.

13. Moore and Shower Solutions deny the allegations contained in Paragraph 59 of the Counterclaims.

14. Moore and Shower Solutions admit that an actual, substantial controversy exists between Plaintiffs and Unimex as alleged in Paragraph 60 of the Counterclaims.

15. Moore and Shower Solutions deny the allegations contained in Paragraph 61 of the Counterclaims.

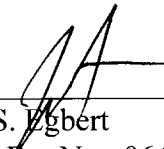
16. Moore and Shower Solutions deny the allegations contained in Paragraph 62 of the Counterclaims.

17. Paragraph 63 is a request for a jury trial, and this request need not be admitted or denied.

18. The paragraph of the Counterclaims titled "Prayer for Relief" is a request and need not be admitted or denied. Moore and Shower Solutions, however, deny that Unimex is entitled to any of the relief prayed for.

Respectfully submitted,

Dated: May 30, 2006



John S. Egbert
Texas Bar No. 06479550
Andrew W. Chu
Texas Bar No. 24005449

Egbert Law Offices
412 Main Street, 7th Floor
Houston, TX 77002
Tel: (713) 224-8080
Fax: (713) 223-4873

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiffs Sean Moore and Shower Soutions's Inc.'s Reply to Defendant Unimex Industries, Inc.'s Original Counterclaims for Declaratory Relief was mailed via first-class postage on May³⁰, 2006.



John S. Egbert